

1040 (Form 1040) (12/15)	
ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	ADVERSARY PROCEEDING NO.
PLAINTIFF(S)	DEFENDANT(S)
ATTORNEY(S) (Firm Name, Address, Telephone No.)	ATTORNEY(S) (If Known)
PARTY (Check One Box Only) <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Debtor U.S. Trustee </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Creditor Trustee Other </div>	PARTY (Check One Box Only) <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Debtor U.S. Trustee </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Creditor Trustee Other </div>
CAUSE OF ACTION (Write a brief statement of cause of action, including all U.S. statutes involved.)	
NATURE OF SUIT (Number up to 5 boxes with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)	
FRBP 7001(1) – Recovery of Money/Property 11 – Recovery of money/property - § 542 turnover of property 12 – Recovery of money/property - § 547 preference 13 – Recovery of money/property - § 548 fraudulent transfer 14 – Recovery of money/property – other FRBP 7001(2) – Validity, Priority or Extent of Lien 21 – Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property 31 – Approval of sale of property of estate and of a co-owner - § 363(h) FRBP 7001(4) – Objection/Revocation of Discharge 41 – Objection/revocation of discharge - § 727(c), (d), (e) FRBP 7001(5) – Revocation of Confirmation 51 – Revocation of confirmation FRBP 7001(6) – Dischargeability 66 – Dischargeability - § 523(a)(1), (14), (14A) priority tax claims 62 – Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud 67 – Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) 61 – Dischargeability - § 523(a)(5), domestic support 68 – Dischargeability - § 523(a)(6), willful and malicious injury 63 – Dischargeability - § 523(a)(8), student loan 64 – Dischargeability - § 523 (a)(15), divorce or separation obligation (other than domestic support) 65 – Dischargeability – other FRBP 7001(7) – Injunctive Relief 71 – Injunctive relief – imposition of stay 72 – Injunctive relief – other FRBP 7001(8) – Subordination of Claim or Interest 81- Subordination of claim or interest FRBP 7001(9) – Declaratory Judgment 91 – Declaratory judgment FRBP 7001(10) – Determination of Removed Action 01 – Determination of removed claim or cause Other SS-SIPA Case – 15 U.S.C. §§ 78aaa et seq. 02 – Other (e.g., other actions that would have been brought in state court if unrelated to bankruptcy case)
Check if this case involves a substantive issue of state law	Check if this is asserted to be a class action under FRCP 23
Check if a jury trial is demanded in complaint	Demand: \$
Other Relief Sought:	

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR

BANKRUPTCY CASE NO.

DISTRICT IN WHICH CASE IS PENDING

DIVISION OFFICE

NAME OF JUDGE

RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF

DEFENDANT

ADVERSARY PROCEEDING NO.

DISTRICT IN WHICH ADVERSARY PROCEEDING IS PENDING

DIVISION OFFICE

NAME OF JUDGE

SIGNATURE OF ATTORNEY (OR PLAINTIFF)

PRINT NAME OF ATTORNEY (OR PLAINTIFF)

DATE

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet. When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff, if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.